

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5671 of 2015

- Dinesh Sai, son of Jutu Sai, aged about 30 years, caste Routiya, resident of Makribandha Bhirgoli, Police Station Tapkara, Distt. Jashpur ----- **Applicant**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Tapkara, Distt. Jashpur (Chhattisgarh).

For the applicant	:	Mr. J. K. Saxena, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.10.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.124 of 2014 registered at P.S. Tapkara, District Jashpur (C.G) for the offence punishable under Sections 450 & 376 IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution story, a report was lodged on 10.11.2014 by the prosecutrix alleging that on 05.11.2014 while she was sleeping in the courtyard of the house alongwith her mother and husband, the applicant came at about 2 a.m., in the night and dragged her towards a Kathal tree and committed sexual intercourse and thereafter on report, the case was registered and the charge sheet has been filed.
3. Counsel for the applicant submits that the prosecutrix was a consenting party as according to the statement of the prosecutrix herself, she was a married lady and she was dragged without any resistance which shows that she was a consenting party to the incident. He further submits that the charge sheet has been filed and

there will be no tampering of the evidence, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned State Counsel opposed the bail application.
5. After going through statement of the prosecutrix and having regard to the fact that the charge sheet has been filed, without making any observation on the merits of the case, this Court is inclined to release the applicant on bail. Accordingly, this application is allowed.
6. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He is directed to appear before the said Court on each and every date given by the said Court.
7. C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**